



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-018

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM MF MULTIPLE FAMILY DISTRICT TO INT INSTITUTIONAL DISTRICT; 1.752 ACRE PARCEL DESCRIBED AS PARCEL 1 OF CERTIFIED SURVEY MAP NO. 15329 AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MARATHON COUNTY, WISCONSIN, IN VOLUME 69 OF SURVEYS ON PAGE 71 AS DOCUMENT NO. 1521730; BEING PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 14th day of September 2015, on the application described below for the zoning of the property described herein; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Village Board, and the said Board having received and approved the recommendation of said Committee;

NOW THEREFORE, the Village Board of the Village of Weston do ordain as follows:

SECTION 1: On the application (REZN-8-15-1531) of property applicants Thomas and Joyce Skare, 3700 Mount View Avenue #311, on behalf of owner Janet Barwick, 1024 London Street, Menasha, WI 54952, for the following territory now comprising a part of the MF Multiple Family zoning district, located in Section 17, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

INT Institutional - described Parcel 1 of Certified Survey Map No. 15329 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 69 of surveys on page 71 as Document No. 1521730; being part of the northwest quarter of the southeast quarter of Section 17, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. The property described consists of 1.752 acres, and is located on Sternberg Avenue, east of Gordon Street.

SECTION 2: The Clerk shall make necessary alterations upon the official map of the Village of Weston to reflect the changes in the zoning classifications of the property described herein.

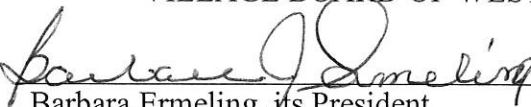
SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

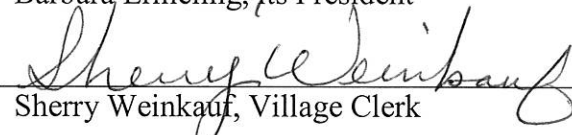
Dated the 21st day of September, 2015

VILLAGE BOARD OF WESTON

By:


Barbara Ermeling, its President

Attest:


Sherry Weinkauf, Village Clerk

APPROVED: 9/21/15

PUBLISHED: 9/23/15

Notice of Newly Enacted Ordinance

Please take notice that the Village Board of Weston, Wisconsin enacted Ordinance No. 15-018: "An Ordinance to Approve The Rezoning Of Land From MF Multiple Family District To INT Institutional District; 1.752 Acre Parcel Described as Parcel 1 of Certified Survey Map No. 15329 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 69 of surveys on page 71 as Document No. 1521730; being part of the northwest quarter of the southeast quarter of Section 17, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin" on Monday, September 21, 2015.

The full text of Ordinance No. 15-018 may be obtained at the office of the Village Clerk at the Weston Municipal Center, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Published: 09/23/2015

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF

5500 SCHOFIELD AVE

WESTON

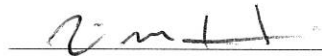
WI 544764333

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The full text of Ordinance No. 15-018 may be obtained at the office of the Village Clerk at the Weston Municipal Center, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.
RUN: Sept 23, 2015 WNAXLP

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0000741652
No. of Affidavits: 1
Total Ad Cost: \$20.14
Published Dates: 09/23/15

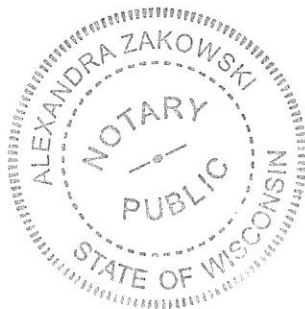
(Signed)



(Date)

9-24-15

Legal Clerk



Signed and sworn before me



My commission expires

3/3/17

WESTON VILLAGE OF

Re: Ord 15-018

GANNETT WI MEDIA
435 EAST WALNUT ST.
PO BOX 23430
GREEN BAY, WI 54305-3430

GANNETT
Wisconsin Media
Delivering Customers. Driving Results.

PHONE 920-431-8298
FAX 877-943-0443
email: WDH-Legals@wdhmedia.com

Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM: JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ORDINANCE NO. 15-018 AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM MF MULTIPLE FAMILY DISTRICT TO INT INSTITUTIONAL DISTRICT; 1.752 ACRE PARCEL DESCRIBED AS PARCEL 1 OF CERTIFIED SURVEY MAP NO. 15329 AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MARATHON COUNTY, WISCONSIN, IN VOLUME 69 OF SURVEYS ON PAGE 71 AS DOCUMENT NO. 1521730; BEING PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN. (REZN-8-15-1531)

DATE/MTG: BOARD OF TRUSTEES; MONDAY, SEPTEMBER 21, 2015

POLICY QUESTION: Should the Board of Trustees rezone the property to INT by adopting Ordinance No. 15-018?

RECOMMENDATION TO: I make a motion to approve Ordinance No. 15-018 as recommended and presented by the Village Plan Commission.

LEGISLATIVE ACTION:

<input type="checkbox"/> Acknowledge/Approve	<input checked="" type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Proclamation
<input type="checkbox"/> Administrative Order	<input type="checkbox"/> Policy	<input type="checkbox"/> Reports
<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

FISCAL IMPACT ANALYSIS:

<input type="checkbox"/> Budget Line Item:	_____
<input type="checkbox"/> Budget Line Item:	_____
<input type="checkbox"/> Budgeted Expenditure:	_____
<input type="checkbox"/> Budgeted Revenue:	_____

STATUTORY / RULEMAKING / POLICY REFERENCES:

<input checked="" type="checkbox"/> WI Statute:	Chapter 61 and Wis. Stat. § 62.23 (7)(d)
<input type="checkbox"/> WI Administrative Code:	_____
<input type="checkbox"/> Case Law / Legal:	_____
<input checked="" type="checkbox"/> Municipal Code:	Sec. 94.16.04(8)
<input type="checkbox"/> Municipal Rules:	_____

PRIOR REVIEW: Reviewed and recommended by the Plan Commission, following a public hearing, on September 14, 2015

BACKGROUND: Staff was approached by representatives of Thomas and Joyce Skare, to discuss the construction of another independent senior apartment building, similar to The Pines at Mount View independent senior apartment, located directly south of this project. During the new zoning ordinance, The Pines at Mount View, was placed into the

INT zoning district on the new Zoning Map because senior housing is a permitted use by right in the district and it would restrict the apartments to being only used as senior housing, not regular multi-family apartments in the future. The representatives wanted the zoning to be the same on this project as The Pines at Mount View so they are requesting a rezone to INT Institutional to allow them to proceed with plans for the project. The Offer to Purchase is contingent on the Skare's receiving a rezone on the property. Plans would then be to proceed with designing the site plan and building. We are told they would like to mimic The Pines at Mount View and take it up a notch. As of now, they hope to have 46 market rate apartments on the property in a 3 story building with heated underground parking. For more details an operational plan was included in the Plan Commission packet. The project would still be required to go through site plan approvals if the rezone is approved. It is important to note that the apartment building could be constructed without the rezone on the MF zoning, however the INT would restrict the future use as senior and not a regular apartment building.

The Plan Commission has unanimously recommended approval of the rezone to INT. Please note per Section 94.16.04(8)(b) *The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wis. Stat. § 62.23(7)(d)2m.a is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths or greater of the full Village Board.* Therefore, if the Board wishes to modify the PC recommendation or deny the request, a vote of $\frac{3}{4}$ or greater of the full Village Board is required.

- ☐ Supplemental Briefer for Agenda Items under Consideration?
- ☒ Attachments?

**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARINGS**



NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town & Village of Weston Extraterritorial Zoning Committee, on **Monday, September 14, 2015, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

ETZ-REZN-8-15-1530 Jason Maki, 6007 Municipal Street, Weston, requesting a rezone from RR-2 (Rural Residential-2 Acre) to AR (Agricultural and Residential) on a 2.190 acre vacant parcel, located directly along the west side of 10316 River Road (PIN 082-2808-134-0994). This 2.190 acre parcel is proposed to be combined with two adjacent lots to the north, under the same ownership, which are zoned AR.

REZN-8-15-1527 Reedy Builders, 5907 Shorey Avenue, Weston, requesting a rezone from RR-2 (Rural Residential-2 Acre) to SF-L (Single Family Residential-Large Lot) on properties described as Lot 1 and Lot 2 of proposed certified survey map drawn up by Vreeland Associates, Inc., dividing property currently addressed as 5907 Shorey Avenue (PIN 192-2808-342-0985). Proposed Lot 1 consists of 1.823 acres, and proposed Lot 2 consists of 1.732 acres.

REZN-8-15-1531 Thomas and Joyce Skare, 3700 Mount View Avenue #311, Weston, on behalf of owner Janet Barwick, 1024 London Street, Menasha, WI 54952, requesting a rezone from MF (Multiple Family Residential) to INT (Institutional) for a proposed independent senior living facility on property described as (PIN 192-2808-174-0881) Parcel 1 of CSM #15329, Vol. 69, Pg. 71, Doc. #1521730. This parcel is on Sternberg Avenue, located directly north of 3700 Mount View Avenue, and consists of 1.752 acres.

CU-8-15-1533 Matthew Bayer, M & S LLP, R1526 Lodholz Road, Ringle, requesting to amend their existing conditional use permit, on property addressed as 9902 Weston Avenue (PIN 192-2808-244-0996), to include property addressed as 9908 Weston Avenue (PIN 192-2808-244-0997), as the owner is proposing to combine the two parcels into one, in order to expand the existing business.

REZN-8-15-1538 William and Mary Lewis, 9309 Camp Phillips Road, Weston, requesting to rezone parcels being reconfigured to allow for zoning map corrections. The parcels being rezoned and reconfigured are described as Lots 1, 2, 3, and Outlot 1 of proposed certified survey map drawn up by Riverside Land Surveying, LLC. The parcels involved are primarily addressed as 9309 Camp Phillips Road consisting of 24.410 acres (PIN 192-2808-321-0987) and 9303 Camp Phillips Road consisting of 8.850 acres (192-2808-321-0988). The proposed Lots 2 and 3 are proposed to be zoned to LI (Limited Industrial) and proposed Lot 1 and Outlot 1 are proposed to be zoned to RR-2 (Rural Residential-2 Acre).

The hearing notice and applicable application materials are available on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon on the day of the hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 27th day of August, 2015

Valerie Parker
Plan Commission Secretary

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF

5500 SCHOFIELD AVE

WESTON

WI 544764333

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0000687648
No. of Affidavits: 1
Total Ad Cost: \$148.01
Published Dates: 08/31/15, 09/07/15

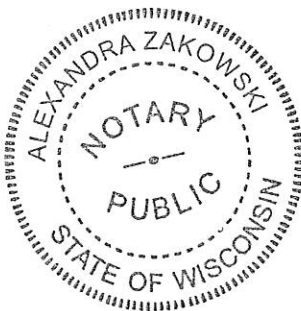
(Signed)

Bradley Zithar

(Date)

9-9-15

Legal Clerk



Signed and sworn before me

Alexandra Zakowski

My commission expires

3/3/19

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Dated this 27th day of August, 2015
Valerie Parker
Plan Commission Secretary
Published as a legal ad in the Wausau Daily Herald on Monday, August 31, 2015 and Monday, September 7, 2015, Aug 31 & Sept 7, 2015 WNAXLP

WESTON VILLAGE OF

Re: Hearing 9/14/15

Conditional Use/Rezone/Comprehensive Plan Amendment

Permit Application
Village of Weston/ETZ

Date: 8-4-15

Permit No. : REZN-8-15-1531

Payment: ☐ Cash ☐ Check No. _____

FULL COMPLETION OF THIS FORM IS REQUIRED FOR PROCESSING



5500 Schofield Ave
Weston, WI 54476

PROPOSALS AND FEES

<input type="checkbox"/> Conditional Use (Residential)		\$ 250.00
<input type="checkbox"/> Conditional Use (Non-Residential)	\$250.00 + \$10.00/Acre over 10 Acres =	\$ _____
<input type="checkbox"/> Conditional Use Amendment		\$ 250.00
<input checked="" type="checkbox"/> Rezone (Official Zoning Map Amendment)		\$ 250.00
<input type="checkbox"/> Conditional Use and Rezone (Residential)		\$ 400.00
<input type="checkbox"/> Conditional Use and Rezone (Non-Residential)	\$400.00 + \$10.00/Acre over 10 Acres =	\$ _____
<input type="checkbox"/> Comprehensive Plan Map Amendment		\$ 350.00
<input type="checkbox"/> Comprehensive Plan Map Amendment with Rezone		\$ 500.00
<input type="checkbox"/> Comprehensive Plan Text Amendment		\$ 200.00
TOTAL:		\$ 250.00

APPLICANT INFORMATION

Applicant Name: Thomas Skare and Joyce Skare

☐ Agent* ☒ Property Owner

Mailing Address: 3700 Mount View Avenue, #311
Weston, WI 54476

Phone: 715-241-6226

Email: joyskare@frontier.com

* Agents must have a LETTER OF AUTHORIZATION from all property owners at the time of filing.

Property Owner: Thomas Skare and Joyce Skare

Contact Name: Thomas or Joyce Skare

Mailing Address: 3700 Mount View Avenue, #311
Weston, WI 54476

Phone: 725-352-6226

Email: joyskare@frontier.com

PROJECT SITE SPECIFICATIONS

Project Address: 62-172808-014-067-00-00
(or PIN if no address)

Lot Size(ft²): 76,320 square feet

Acres: 1.7521 acres

Property Zone: Multi-family residential

Proposed Rezone: Institutional

Current Future Land
Use Designation: Multi-family residential

Proposed Future Land
Use Designation: Institutional

Legal Description: Parcel 1 of CSM No. 15329 recorded in Volume 69 of CSM's on page 71

PUBLIC HEARING REQUIRED FOR CONDITIONAL USE AND REZONE

CONDITIONAL USE: Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance

with the requirements of Wis. Stat. § 62.23(7)(d). The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

REZONE: The Plan Commission (or Extraterritorial Zoning Committee) shall hold a public hearing on all proposed amendments to the Official Zoning Map. Following the public hearing, and after consideration of comments provided therein, the Plan Commission or Committee shall review the proposed amendment to the Official Zoning Map and shall within 45 days of the public hearing make a recommendation to the Village Board that the application be granted as requested, modified, or denied. If the Commission or Committee fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant. Nothing in this Chapter requires Town Plan Commission or Town Board action on proposed amendments to the Official Zoning Map in the ETZ Area.

CONDITIONAL USE REQUIREMENTS

Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations is required to be attached to this application.

Has the written description and location been attached?

☒ Yes ☐ No

Written justification is required for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached?

☒ Yes ☐ No

Does the Conditional Use Permit involve exterior building or site improvements?

☒ Yes ☐ No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete.

Comparison of Proposed Conditional Use with Required Review Criteria (complete below or on an attached sheet as needed):

1. Is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Weston Comprehensive Plan; zoning ordinance; and any other plan, program or ordinance adopted or under consideration? Explain how, or why not. (Consult with Zoning Administrator as necessary on applicable plans.)

2. Will the proposed conditional use in this location, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed? Explain how, or why not.

3. Will the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environments of the subject property? How?

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property? Explain how this has been evaluated.

5. What are the public benefits of this proposal? Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use?

Issuance and Recording of Permit. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map.

Effect of Denial. No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

Termination of an Approved Conditional Use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.

Time Limits on the Development of Conditional Use. The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and shall be based upon a showing of acceptable justification.

Discontinuing an Approved Conditional Use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

Change of Ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use

permit, without approval by the Plan Commission (or Extraterritorial Zoning Committee), shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.

Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter. A use now regulated as a conditional use that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this Section.

REZONE REQUIREMENTS

Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

Written justification is required for the proposed rezone consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached?

☒ Yes ☐ No

Does the rezone involves exterior building or site improvements?

☒ Yes ☐ No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.

Comparison of Proposed Rezone with Required Review Criteria (complete below or on an attached sheet as needed):

1. Is the proposed rezoning consistent with the recommendations of the Comprehensive Plan? Explain how, or why not.

Yes. The proposed rezoning is consistent with the recommendations of the Comprehensive Plan to maintain property values of neighboring properties

while promoting infill development that will enhance the further development of the Schofield Avenue and the Camp Phillips Road corridors.

The proposed rezoning will create a land use that will serve as a buffer between single family and multi-family development. It will add beauty to the neighborhood.

2. Does the proposed rezoning further the purpose and intent of the zoning ordinance, as expressed in Section 94.1.03 of the Village's zoning ordinance? Explain how, or why not.

Yes. The proposed rezoning furthers the purpose and intent of the zoning ordinance by promoting infill development that will add beauty while serving as a buffer

between single family residential development to the east and multi-family development to the north, south and west. The proposed rezoning will

not adversely impact public facilities and services and will not create an undue or adverse impact on surrounding properties.

3. Does the proposed rezoning address a mistake that was made in mapping on the Village's zoning map? In other words, is the subject property developed in a way that is not allowed under its current zoning? If yes, please explain.

No.

4. Does the proposed rezoning address factors that have changed that make the property more appropriate for a different zoning district? Such factors may include the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, new plans, or other zoning changes in the area. If yes, please indicate the relevant factors.

Yes. New data shows a growing senior population in the Village of Weston that will desire additional senior housing.

The Village's planning for the Camp Phillips Road corridor and the Schofield Avenue corridor will be supported by the

development that would flow from the proposed rezoning.

5. Have growth patterns or rates changed since the land was zoned as it is now? If yes, please provide supporting data and indicate how changed patterns or rates suggest the need for this rezoning.

Both census data and the Marathon County Quality of Life survey show that the demand for senior housing in Weston and Marathon County is a significant, growing trend. The existing senior housing in the area has close to 100% occupancy.

6. Will the proposed rezoning maintain a desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property? How?

Yes. The proposed rezoning will maintain a desired consistency of land uses, land use intensities and land use impacts as related to the environs of the subject property.

It will do so by avoiding the noise and the traffic associated with multi family residential development. The proposed rezoning will minimize both noise and traffic while maintaining trees on the west and east side of the property for buffers.

Village Board. The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all comments, the Village Board shall within 120 days of submittal of a complete application, act to approve or reject the proposed amendment, unless extended by written or electronic agreement of the applicant. Failure of the Board to act within 120 days of submittal of a complete application (unless said deadline is extended by agreement of the applicant) shall constitute approval of the application as presented.

The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wis. Stat. § 62.23(7)(d)2m.a is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths or greater of the full Village Board.

Effect of Denial. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

COMPREHENSIVE PLAN AMENDMENT REQUIREMENTS

By August 1st of each year, the Zoning Administrator shall obtain Plan Commission approval of a Comprehensive Plan amendment schedule, with the intent to adopt any Comprehensive Plan amendments in that annual amendment cycle by February of the following year.

Applications for Comprehensive Plan amendments shall be submitted to the Zoning Administrator in writing each year by the annual application deadline established in the approved amendment schedule, using a Village provided application form, in order to be considered in that year's amendment cycle. Only complete applications will be processed.

In addition to such applications, Village staff, the Village Plan Commission or any member thereof, or the Village Board or any member thereof may request amendments to the Comprehensive Plan, by the annual application dateline or another date if established in the approved amendment schedule.

The Zoning Administrator shall refer all proposed amendments under subsections (a) and (b) to the Plan Commission, within 30 days following the latest required date of submittal.

The Commission shall advise Village staff as to which proposed amendments should be considered for further review, providing an opportunity for public comment. Depending upon the number and nature of the proposed amendments, the Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of such hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map amendment, the Zoning Administrator shall also provide written notification to all property owners within 100 feet of the site.

After consideration of the proposed amendments and no later than January in the annual amendment cycle, the Plan Commission shall recommend the approval of any proposed amendment to the Village Board. The Commission is under no obligation to recommend approval of any requested amendment, and may recommend the amendment with modification. Such Commission action shall be via adoption of a resolution.

Following the Commission recommendation by resolution, and after a required 30 day public hearing notice period under Wisconsin Statutes, the Village Board shall hold a public hearing for the purpose of receiving public comment regarding the merits of the proposed amendments that have been recommended by resolution of the Plan Commission.

Following the public hearing, the Village Board may adopt all or some of the recommended Comprehensive Plan amendments by ordinance, either as recommended or with modifications.

Comparison of Proposed Comprehensive Plan Amendment with Required Review Criteria (complete below or on an attached sheet as needed):

1. Is the proposed Comprehensive Plan Map Amendment consistent with the Comprehensive Plan? Explain how, or why not.

2. Has the amendment been reviewed and denied during a previous comprehensive plan amendment cycle? ☐ Yes ☐ No

3. Would the amendment or projected development that would result will not create an adverse impact on public services and facilities, unless such impact will be successfully mitigated? Explain how, or why not.

4. Would the projected development that would result from the amendment create an undue or adverse impact on surrounding properties, and will it be consistent with or upgrade the character of the site and the surrounding neighborhood? Explain how, or why not.

5. Would the amendment or projected development that would result create an adverse impact on the following, unless such impact will be successfully mitigated: public facilities; public services; the natural environment including trees, slopes, and groundwater; any landmarks or other historically significant structures or properties? Explain how, or why not.

6. Is the amendment justified by a change in Village actions or neighborhood characteristics? Explain how, or why not.

7. **[MAP AMENDMENT ONLY]** Does the change correct a mapping error of the Future Land Use Map? If so, explain.

8. Is there a community or regional need identified in the Comprehensive Plan for the proposed land use or service? Explain how, or why not.

9. Is the proposed amendment consistent with other Village plans, policies, and regulations? Explain how, or why not.

10. Does the amendment respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies? Explain how, or why not.

11. **[MAP AMENDMENT ONLY]** Does the amendment better implement applicable Comprehensive Plan policies than the current map designation? Explain how, or why not.

12. Does the amendment address a deficiency in the Comprehensive Plan as identified by the Plan Commission or Village Board? Explain how, or why not.

Revocation. Any approved Comprehensive Plan amendment may be reversed by the Village Board outside the regular amendment period upon the findings of any of the following:

- (a) The approval was obtained by fraud or other intentional or misleading representations, or
- (b) The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the Comprehensive Plan or Village ordinances, or
- (c) The amendment is being implemented in a manner that is detrimental to the public health or safety.

STATEMENT OF UNDERSTANDING AND SIGNATURES

By signing and dating below, I acknowledge that I have reviewed and understand the Village of Weston zoning ordinance and its standards of approval related to this application; read, understand, and accept my responsibilities under the reimbursement section above; submitted an application that is true, correct, and complete to the best of my knowledge; acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the subject property to inspect or gather information necessary to process this application; understand that all meeting dates are tentative and may be postponed by the Village for the reason of incomplete submittals or other administrative reasons; if this application is approved, agree to abide by this application, approved plans, and required conditions associated with plan approval in the development of the subject property; and understand that the Village's zoning ordinance and/or the conditions of development approval may specify timeframes within which I must take certain actions related to the development of the subject property, or risk having the approval being nullified. **Failing to attach all the required components will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.**

Thomas Skare and Joyce Skare

Signature of Applicant

August 3, 2015

Date

Thomas Skare and Joyce Skare

Print Applicant Name

☒ Property Owner ☐ Agent (*Agents must have a LETTER OF AUTHORIZATION from all property owners*)

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally appeared before me this 3rd day of August 20 15, the above named individual, to me known to be the person who executed the foregoing instrument and acknowledge the same.

Guy W. Fredel

Notary Public

My Commission Expires: is permanent.

STAFF REVIEW

PIN: 192-2808-174-0881

Zoning: MF ☒ Village ☐ ETZ

Filed After the Fact: ☐ Yes ☒ No

Fine Imposed: ☐ Yes ☒ No

Amount: _____

Publication of Notice Date 1: 08-31-15

Publication of Notice Date 2: 09-07-15

Conditional Use Permit Review:

PC/ETZ Meeting Date: _____

CUP No.: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied

Site Plan No.: _____

Adoption Date: _____

Conditional Use Permit Review (Outdoor Commercial Entertainment Only)

Name of Establishment: _____

License Number: _____

CLPS Meeting Date: _____

☐ Recommend ☐ Recommend w/ Conditions ☐ Denied

VB Meeting Date: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied

Recorded Date: _____

Document No.: _____

Rezone and Comprehensive Plan Amendment Review:

Public Hearing Date: 9/14/2015

Rezone/CPA No.: REZN-8-15-1531

Proposed Zoning: INT

Proposed FLU: _____

☒ Approved ☐ Approved w/ Conditions ☐ Denied

Adoption Date: 9/21/15

Ordinance No.: 15-018

Publication Date: 9/23/15

Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review from Plan Commission

REQUEST FROM: JENNIFER HIGGINS, PLANNING AND DEVELOPMENT DIRECTOR.

ITEM DESCRIPTION: SKARE REQUEST TO REZONE A 1.75 ACRE PARCEL LOCATED ON STERNBERG AVENUE, EAST OF 3503 & 3507 STERNBERG AVENUE FROM MF MULTIPLE FAMILY TO INT INSTITUTIONAL (PIN 192 2808 174 0881) (REZN-8-15-1531)

DATE/MTG: PLAN COMMISSION, MONDAY, SEPTEMBER 14, 2015

REQUESTED ACTION: Applicant would like the property rezoned to INT to allow them to proceed with the property purchase and development of a site plan for an independent senior apartment.

POLICY QUESTION: Should the Plan Commission recommend approval of the rezone request without any conditions?

RECOMMENDATION: I make a motion to endorse approval, and recommend to the Trustees, subject to the following conditions and stipulations for the Zoning Administrator.

APPLICANT: Thomas and Joyce Skare, 3700 Mount View Avenue #311, Weston, WI 54476

PROPERTY OWNER: Janet Barwick, 1024 London Street, Menasha, WI 54952

PROPERTY DESCRIPTION: Parcel 1 of Certified Survey Map No. 15329 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 69 of surveys on page 71 as Document No. 1521730; being part of the northwest quarter of the southeast quarter of Section 17, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. This property described consists of 1.752 acres, and is located on Sternberg Avenue, east of Gordon Street.

ZONING: MF Multiple Family Residential

SURROUNDING LAND USES: Multi-family Apartments

CRITERIA FOR REVIEW:

Section 207-6	Meets Criteria?	Notes
1. All standards of this chapter and other village regulations are met.	Yes	The request is consistent with the Village Comprehensive Plan and Village ordinances.
2. Adequate public facilities and utilities are provided.	Yes	Sewer and water is readily available to serve this development.
3. Adequate stormwater and erosion control measures.	N/A	This will be met at time of site plan approvals.



Application for Rezone
**REZONE DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **REZN-8-15-1531** Hearing Date: **September 14, 2015**
Applicant: **Thomas and Joyce Skare, 3700 Mount View Avenue #311, on behalf of owner Janet Barwick, 1024 London Street, Menasha, WI 54952**
Location: **PIN 192 2808 174 0881 - a 1.75 acre parcel located on Sternberg Avenue, east of 3503 & 3507 Sternberg Avenue**
Description: **Parcel 1 of Certified Survey Map No. 15329 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 69 of surveys on page 71 as Document No. 1521730; being part of the northwest quarter of the southeast quarter of Section 17, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. The property described consists of 1.752 acres, and is located on Sternberg Avenue, east of Gordon Street.**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.03 Amendments to the Official Zoning Map (Rezoning), hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

Current Zoning: **MF Multiple Family Residential**
Definition: 94.2.02(1)(d) **The MF Multiple Family Residential accommodates a range of housing types, including multiple family residences (e.g., townhouses, apartment buildings, multi-plexes), two family residences, and single family residences, along with compatible institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The MF district is intended for areas planned for multiple family residential development, or portions of areas planned for neighborhood development at the Village's discretion, within the Comprehensive Plan. (Predecessor district: R-3 Multiple Family, Garden Apartments and R-4 Multiple Family, Apartments).**
Proposed Zoning **INT Institutional**
Definition: 94.2.02(3)(a) **The INT Institutional district enables a range of public, semi-public, educational, religious, and other "gathering" type uses generally intended for non-commercial purposes, subject to performance standards to ensure compatibility between institutional uses and surrounding uses, zoning districts, and infrastructure. Development within this district is generally served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The INT district is intended for areas planned for public/quasi-public uses within the Comprehensive Plan, and for other non-residential, non-agricultural use. (Predecessor district: PUL Public and Utility Lands; OIP Institutional and Public Service overlay).**
Future Land Use: **Multiple Family Residential/Institutional**
FLU Description: **Multiple Family Residential - A range of housing types, including multiple family residences (e.g., townhouses, apartment buildings, multiplexes), two family residences, and single family residences, along with compatible institutional and recreational uses, all served by a public sewer system. Also mapped over existing (as of 2015) mobile home parks.**

Development Policies:

1. Generally map Multiple Family Residential areas on the Future Land Use map:

- in areas <5 acres each, except condominiums or where serving as a buffer to a highway or non-residential uses.
 - no closer than ½ mile away from other Multiple Family Residential area, except if separated by arterial street/highway with a safe pedestrian crossing.
2. Hold new multiple family housing and manufactured homes to similar standards for lasting quality and livability that is expected of single family housing and neighborhoods. These standards include high-quality building materials, architectural variation and interest, durable and lasting finish materials (inside and out), inclusion of garage or underbuilding parking, and responsible management.
 3. Monitor areas of aging multiple family and mobile home housing so that they are community assets. Work with owners and property managers to address problems.

Institutional - A range of public, semi-public, educational, religious, and other "gathering" type uses generally intended for non-commercial purposes, generally served by a public sanitary sewer system.

Development Policies:

1. Meet associated non-residential building and site design standards per zoning ordinance.
2. Require developments to address off-site traffic, environmental, and neighborhood impacts.

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?

Yes, the property will be used for specialized (senior) multi-family residential. The property that is being rezoned is adjacent to another property, The Pines at Mount View, being used for a similar use.

2. Does the rezoning further the purpose and intent of this Chapter?

Yes.

3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?

No, this rezone is not addressing any mapping error, new or changed factors or growth patterns.

4. Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Yes, the property will be used for specialized (senior) multi-family residential. The property that is being rezoned is adjacent to another property, The Pines at Mount View, being used for a similar use. It also addresses a growing need in the area for senior housing.

BACKGROUND INFORMATION:

Staff was approached by representatives of Thomas and Joyce Skare, to discuss the construction of another independent senior apartment building, similar to *The Pines at Mount View* independent senior apartment, located directly south of this project. During the new zoning ordinance, *The Pines at Mount View*, was placed into the INT zoning district on the new Zoning Map because senior housing is a permitted use by right in the district and it would restrict the apartments to being only used as senior housing, not regular multi-family apartments in the future. The representatives wanted the zoning to be the same on this project as *The Pines at Mount View* so they are requesting a rezone to INT Institutional to allow them to proceed with plans for the project. The Offer to Purchase is contingent on the Skare's receiving a rezone on the property. Plans would then be to proceed with designing the site plan and building. We are told they would like to mimic *The Pines at Mount View* and take it up a notch.

Please see the attached Operational Plan, included in the packet, for more information on the proposed senior housing project.

CURRENT PROPERTY CONDITIONS:

Presently, the property is vacant and undeveloped.

PLAN COMMISSION ACTION OPTIONS:

- 1) Plan Commission recommends approval of the rezone request, which would allow a senior housing development to be constructed on the site in the future. Rezoning to INT would restrict the use of the future building for senior housing only, not regular multi-family.
- 2) Plan Commission recommends denial of the rezone. Please note that the apartments could be still developed however, they would not be restricted to only senior housing and could be used for regular multi-family housing if that is ever the desire of the owners.